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THE HONORABLE BRIAN D LYNCH
Chapter 13
Location: Vancouver, WA
Date: March 31, 2020
Time: 1:00 PM
Response Date: March 24, 2020

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In Re:

Morris, David B,
Debtors.

Case No.: 20-40308-MJH

MOTION FOR ORDER TO SHOW CAUSE
RE: CONTEMPT with NOTICE OF HEARING

PLEASE TAKE NOTICE that the Debtor has filed a Motion for an Order to Show Cause why a Finding of Contempt should not be made and the HEARING IS SET FOR:

JUDGE: The Honorable Brian D Lynch TIME: 1:00 pm
PLACE: 500 W 12th Street DATE: MARCH 31, 2020
Vancouver, WA

IF YOU OPPOSE the Motion, you must file your written response with the Court Clerk, serve two copies on the Judge's chambers and deliver copies on the undersigned NOT LATER THAN the RESPONSE DATE, which is March 24, 2020.

IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion, GRANT THE MOTION PRIOR TO THE HEARING, WITHOUT FURTHER NOTICE, and strike the hearing.

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1 Dated this 4th day of March, 2020.

2 /s/Kevin R. Vibbert
3 KEVIN R. VIBBERT
4 W.S.B.A. #25625

5 MOTION

6
7 COMES NOW debtor, David B Morris, by and through his attorney, Kevin R. Vibbert, and
8 requests this Court to enter an Order to Show Cause regarding Contempt against the State of
9 Oregon, Department of Motor Vehicles. This motion is brought pursuant to 11 U.S.C. 362 and
10 FRBP 9020 and further upon the information provided herein and in Debtor's Declaration.

11 BASIS OF MOTION

- 12 1: David B Morris filed for Chapter 13 bankruptcy relief on January 31, 2020;
13 2: State of Oregon Department of Motor Vehicles is the state agency in the State of
14 Oregon that controls driving privileges within the state.
15 3: Debtor has unpaid traffic infraction fines in the State of Oregon that has caused
16 the Department of Motor Vehicles to suspend Debtor's driving privilege in
17 Oregon.
18 4: Upon filing of the present bankruptcy case Debtor caused notice of the bankruptcy
19 filing to be sent to the Department of Motor Vehicles. Upon sending notice to the
20 Department of Motor Vehicles, Debtor contacted the Department and requested
21 that his driving privileges be cleared. The Department of Motor Vehicles failed to
22 reinstate his driving privileges.
23 5: On or about February 6, 2020 Debtor sent a demand to the Department of Motor
24 Vehicles demanding the Department to immediately release the hold on Debtor's
25 driving privilege. The demand notified the Department that failure to immediately
release Debtor's privilege would result in a stay violation motion with a request for

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1 sanctions and terms. The State of Oregon Department of Motor Vehicles failed to
2 respond to Debtor's demand.

3 6: The Departments refusal to release Debtor's driving privileges has impaired his
4 ability to address a pending Driving While Suspended criminal charge in the State
5 of Washington and prejudicing his ability to have the criminal charge amended to
6 a civil infraction. Said amendment has been offered if Debtor reinstates his
7 driving privilege.

8 WHEREFORE Debtor respectfully requests the following:

9 That is Court issue an Order requiring the State of Oregon, Department of Motor
10 Vehicles to file and serve an answer to these allegations, and show cause, if any exist, why it
11 should not be adjudged in civil contempt for failing and refusing to comply with section 362;

12 That following appropriate proceedings, this Court adjudge the Department of Motor
13 Vehicles in civil contempt of this Court;

14 That this Court enter an order requiring the Department of Motor Vehicles to purge itself
15 of such contempt by

- 16 1: Releasing the hold on Debtor's driving privileges in the State of Oregon, and
17 2: Paying all costs, expenses and attorney's fees incurred by Debtor in connection
18 herewith, and

19 That this Court grant such other and further relief as may be deemed reasonable and
20 necessary to assure compliance with this Court's judgment.

21 Respectfully submitted this 4th day of March, 2020.

22
23 /s/Kevin R. Vibbert
24 KEVIN R. VIBBERT
W.S.B.A. #25625

25 *Motion For Order To Show Cause*
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